

Final Documents

For

Annexation to the  
**Clackamas County Service District #5**

CL1804  
Ord. #2004-187  
DOR 3-1643-2004  
Sec. State: SD-2004-0089

Final to DOR: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of

Mailing: 9/22/04

Final to Secretary of State: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of

Mailing: 10/04/04

CL1804

Sent

Received

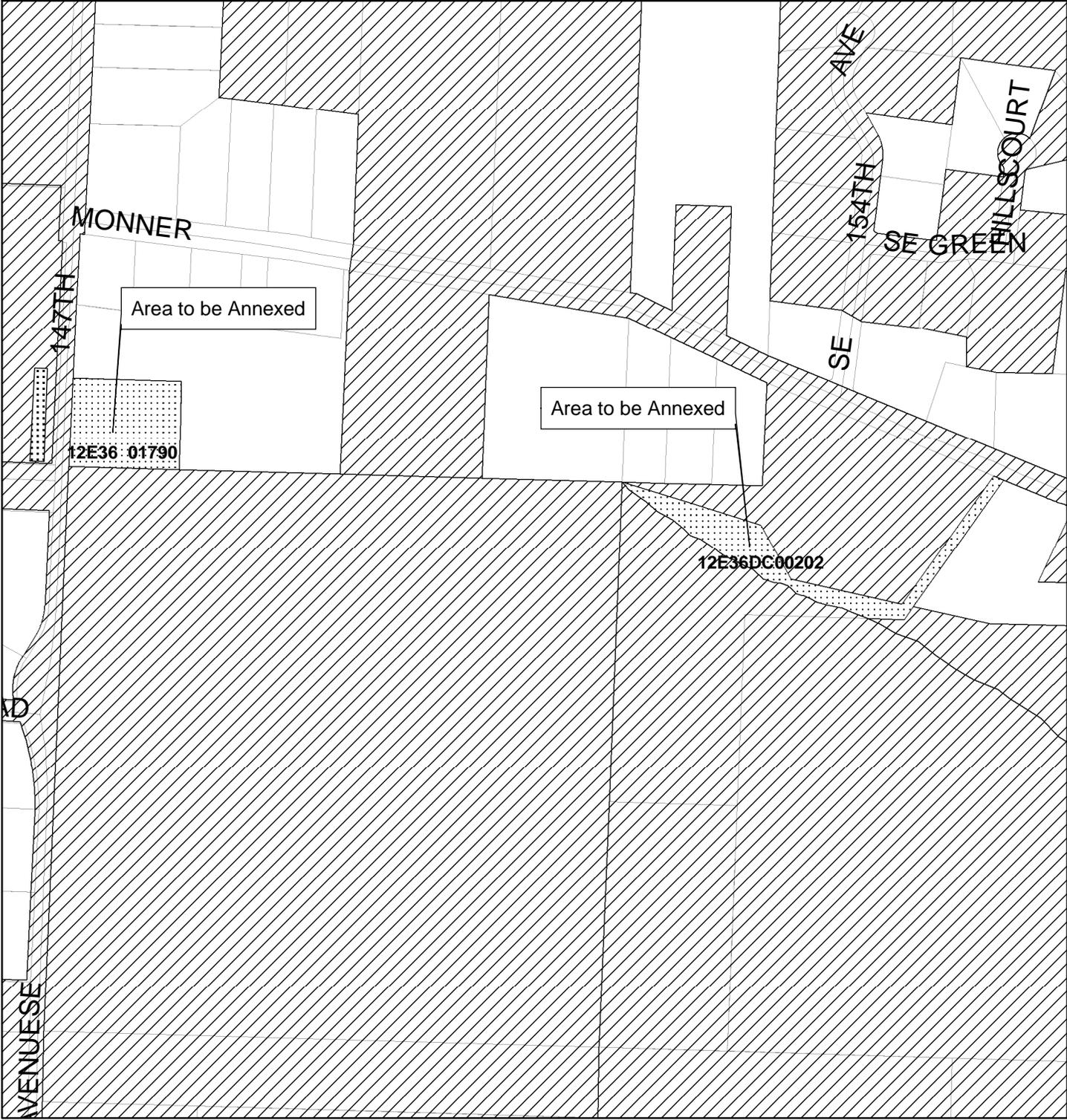
DOR:	9/22/04	10/1/04
Sec. State:	10/4/04	10/8/04
Assessor:	10/4/04	
Elections:	10/4/04	
Mapped:	Yes	
Properties:	12E36 01790 12E35DC00202	No site address No site address

# Proposal No. CL1804



Ken Martin Consulting  
P.O. Box 29079  
Portland, OR 97296-9079  
(503) 222-0955

Annexation to Clackamas County Service District #5  
Clackamas County  
12E36 & 12E36DC



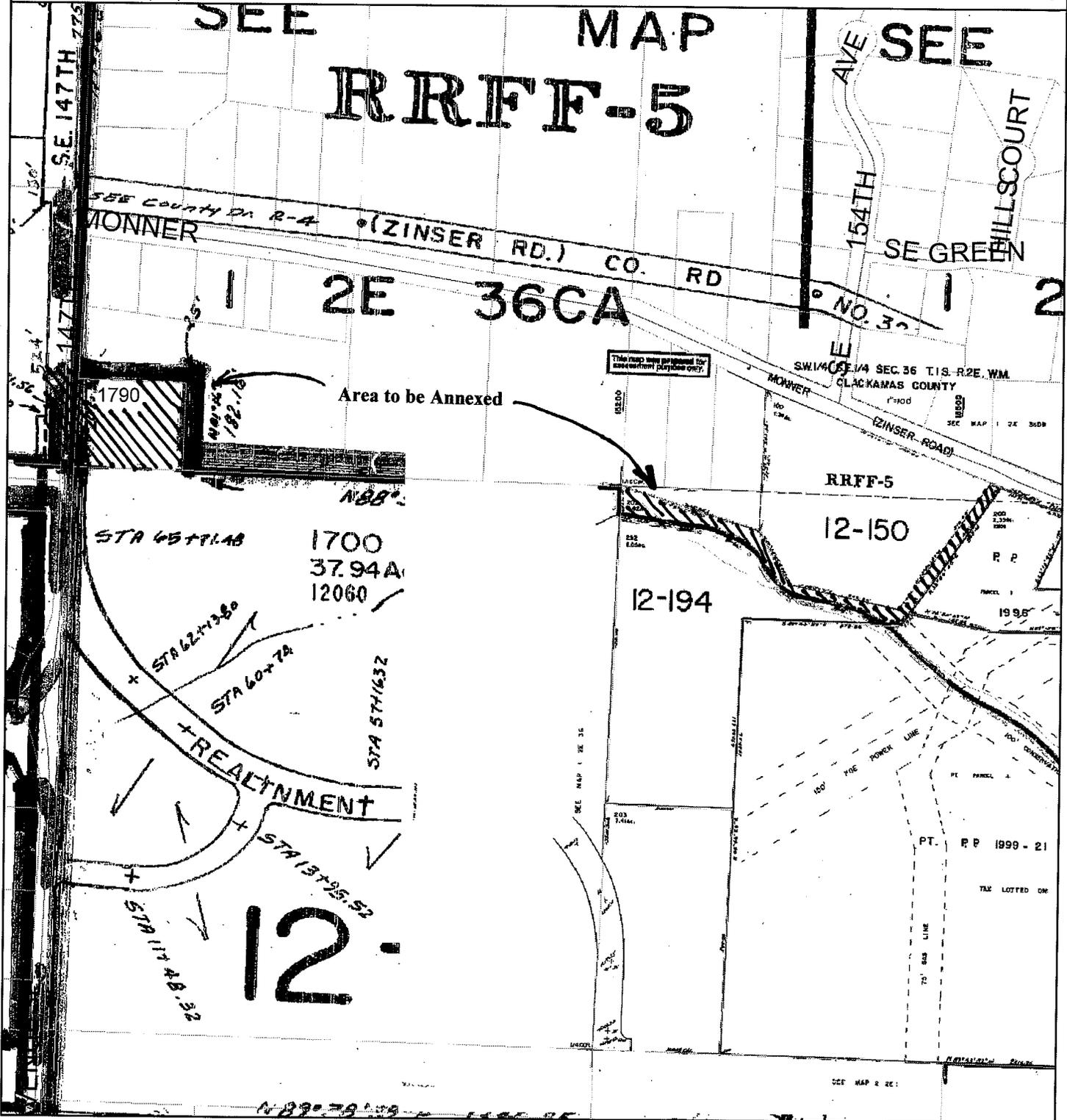
1 inch equals 333 feet

PROPOSAL No. CL1804  
Clackamas County Service District #5  
Figure 1

# Proposal No. CL1804

**K M C**  
Ken Martin Consulting  
P.O. Box 29079  
Portland, OR 97296-9079  
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Annexation to Clackamas County Service District #5  
Clackamas County  
12E36 & 12E36DC



1 inch equals 333 feet

PROPOSAL No. CL1804  
Clackamas County Service District #5  
Figure 2

# Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit  
 PO Box 14380  
 Salem, OR 97309-5075  
 (503) 945-8297, fax 945-8737

**Description and Map Approved**  
**October 1, 2004**  
**As Per ORS 308.225**

Clackamas Co. Serv. Dist. 5  
 Budget Officer  
 9101 SE Sunnybrook  
 Clackamas, OR 97015

Description     Map received from: METRO  
 On:

This is to notify you that your boundary change in Clackamas County for  
 ANNEX TO CLACKAMAS COUNTY SERVICE DISTRICT #5

ORD. #2004-187 (CL 1804)

has been:     Approved            10/1/2004  
                    Disapproved

Notes:

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Department of Revenue File Number: 3-1643-2004

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary:     Change     Proposed Change  
 The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving  
Boundary Change Proposal  
No. CL-1804

} ORDER NO. 2004-187

This matter coming before the Board at this time, and it appearing that more than half the electors and owners of more than half the land in the territory to be annexed have petitioned to annex the territory to the Clackamas County Service District # 5;

It further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198; and

It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report; and

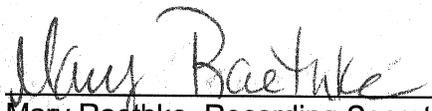
It further appearing that this matter came before the Board for public hearing on September 2, 2004 and that a decision of approval was made on September 2, 2004;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-1804 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Clackamas County Service District #5.

ADOPTED this 2nd day of September, 2004.

BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Bill Kennemer, Chair

  
\_\_\_\_\_  
Mary Raethke, Recording Secretary

## FINDINGS

Based on the study and the public hearing the Board found:

1. The territory to be annexed contains 2.03 acres, 1 single family home and has an assessed value of \$203,172.
2. The property owners desire street lighting service for residential development which will cover the area to be annexed and adjacent lands already in the Service District.
3. Oregon Revised Statute 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

A second set of criteria can be found in the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 196.065.
2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.
5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services.
6. The territory lies within the Urban Growth Boundary.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. This boundary change is not being contested by a necessary party.

4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously freestanding construct that is now an element of the Framework Plan is the 2040 Growth Concept.

Metro has adopted the Urban Growth Management Functional Plan and the Regional Transportation Functional Plan. Nothing in these two functional plans speaks to criteria for deciding on boundary changes for street lighting districts.

The Regional Framework Plan contains chapters on citizen involvement, on policies, parks, housing, etc. All of these chapters of the Framework Plan have been examined and found not to contain any directly applicable standards and criteria for boundary changes.

5. The territory is inside the City of Happy Valley and is part of approved subdivisions (Shadow Ridge and Shadow Ridge No. 2) in the City.
6. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no urban service agreements relative to street lights.
7. Clackamas County Service District No. 5 provides a mechanism for acquiring street lights. Street lights can only be acquired by being in the District. However, street lights are only provided in the District to areas desiring them. Annexation to the District does not impose any financial consequence on the property owners being annexed. Subsequent to annexation areas which desire street lights can acquire them and would pay for them through a yearly assessment on their property.

The City of Happy Valley does not provide street lighting service as a city service. It relies on the District to provide service within the City.

8. Sewer service is provided in this area by Clackamas County Service District No. 1. Sewers are gradually being extended in this area as development occurs.
9. The territory is within the Sunrise Water Authority.
10. Within the City of Happy Valley police service is provided by the City.
11. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the County Service District for street lights.

## CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. The Metro Code requires the boundary change decision to be consistent with any urban service agreements under ORS 195. As noted in Finding No. 6 there are no ORS 195 agreements relating to street lights. The Board concludes that its decision is not inconsistent with any such agreements.
2. The Metro Code calls for consistency with directly applicable provisions of urban planning area agreements between the annexing entity and any necessary party. The annexing entity (CCSD # 5) does not have an urban planning area agreement with any necessary party.
3. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans." ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plan which is Happy Valley's Rock Creek Area Comprehensive Plan and concludes this proposal complies with it. No directly applicable service agreements were found to exist.
4. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in the regional framework or any functional plans."

There are no directly applicable criteria in Metro's two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Functional Plan. All elements of the Regional Framework Plan were examined and found not to contain any directly applicable standards and criteria for service district boundary changes.

5. Metro Code 3.09.050 (d) (5) states that another criteria to be addressed is: "Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." Annexation is necessary to make this urban service available to accommodate current and future development. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.

# EXHIBIT B

Proposal No. CL-1804

A tract of land located in the Northeast One-Quarter of the Southwest One-Quarter of Section 36, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon being more particularly described as follows:

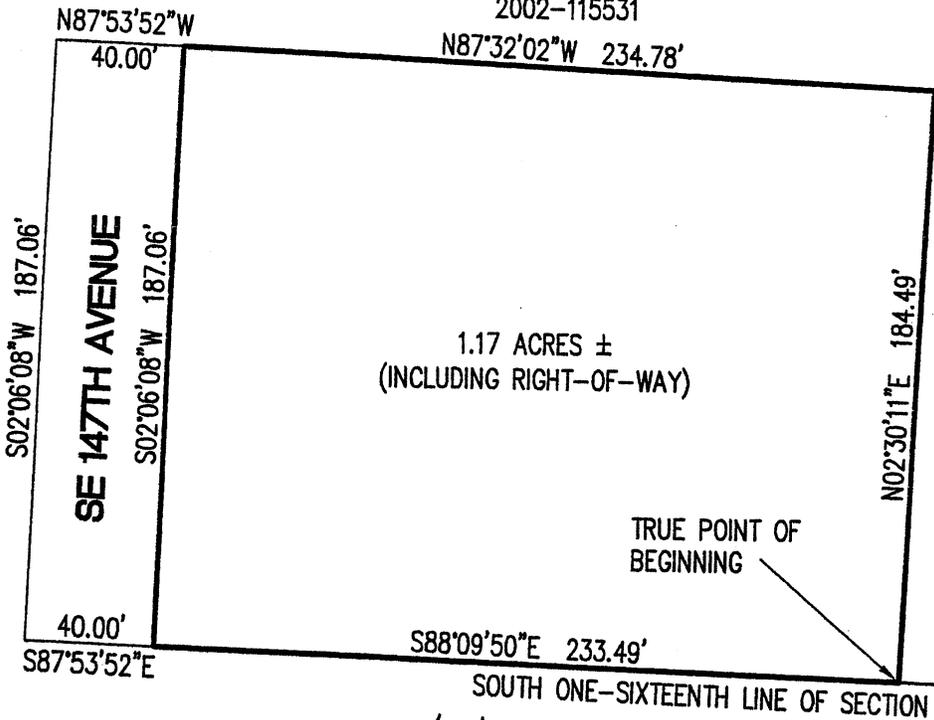
Beginning at the South One-Quarter corner of Section 36, thence along the centerline of said Section North  $02^{\circ}01'06''$  East 1330.79 feet to the South One-Sixteenth Corner of said Section; thence North  $88^{\circ}09'50''$  West 1068.70 feet along the South One-Sixteenth line of said Section to the True Point of Beginning; thence North  $02^{\circ}30'11''$  East 184.49 feet more or less; thence North  $87^{\circ}32'02''$  West 234.78 feet more or less to the East Right-of-Way Line of Southeast 147<sup>th</sup> Avenue; thence North  $87^{\circ}53'52''$  West 40.00 feet to the West Right-of-Way Line of Southeast 147<sup>th</sup> Avenue; thence South  $02^{\circ}06'08''$  West 187.06 feet along the West Right-of-way line of Southeast 147<sup>th</sup> Avenue; thence South  $87^{\circ}53'52''$  East 40.00 feet to the East Right-of-Way Line of Southeast 147<sup>th</sup> Avenue; thence South  $88^{\circ}09'50''$  East 233.49 feet along the South One-Sixteenth line of said Section to the True Point of Beginning.

The above described tract of land contains 1.17 acres, more or less.

# EXHIBIT B MAP

NORTHEAST 1/4 OF SOUTHWEST 1/4 OF SECTION 36,  
TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE  
MERIDIAN, CLACKAMAS COUNTY, OREGON

DOCUMENT NUMBER  
2002-115531



DOCUMENT NUMBER  
2002-115531



10/13/03  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Montgomery B Hurley*

OREGON  
JULY 15, 2003  
MONTGOMERY B. HURLEY  
58542LS

RENEWAL DATE: 6/30/05

N02°01'06"E 1330.79'  
CENTERLINE OF SECTION

3 1/4" BRASS DISC  
SOUTH 1/4 CORNER  
OF SECTION 36

SCALE 1" = 60 FEET



PREPARED FOR:

HOLT HOMES  
P.O. BOX 87970  
NCOUVER, WA 98687  
PH: 360-892-0514  
FAX: 360-892-1815

JOB NAME:	SHADOW RIDGE
JOB NUMBER:	1079
DRAWING NUMBER:	1079XMPL
DRAWN BY:	NSW
CHECKED BY:	MBH

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**AKS**  
ENGINEERING & FORESTRY

13910 SW GALBREATH DR.,  
SUITE 100  
SHERWOOD, OR 97140  
PHONE: (503) 925-8799  
FAX: (503) 925-8969  
E-MAIL: aks@aks-eng.com

Exhibit C  
Legal Description

A tract of land located in the Southeast One-Quarter of Section 36, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being a portion of that land described in Document No. 94-00079, Clackamas County Deed Records, being more particularly described as follows:

Beginning at the Northwest corner of said tract of land, being located N02°01'06"E 1330.79 feet from a 3-1/4" Brass Disc in Concrete held as the South One-Quarter Corner of said Section 36; thence along the North-South centerline of said Section 36 also being on the current existing city limits of Happy Valley S02°01'06"W 10.27 feet to the intersection of said East line with the common line of Tax Lots 292 and 202 (Map Number 1-2E-36DC), being held as the centerline of an existing drainage; thence along said common line (held as said centerline) and said city limits, the following courses and distances:

S83°14'24"E 23.14 feet, S70°59'40"E 17.72 feet, S39°46'49"E 16.13 feet,  
S37°23'25"E 24.23 feet, S60°41'25"E 32.94 feet, S72°01'21"E 46.76 feet,  
S82°03'11"E 28.05 feet, S43°23'18"E 36.16 feet, S73°11'39"E 47.07 feet,  
S74°29'25"E 50.66 feet, S22°27'57"E 47.24 feet, S22°25'11"E 33.55 feet,  
S73°09'06"E 50.41 feet, S39°32'28"E 33.03 feet, S66°57'32"E 47.54 feet,  
S76°46'27"E 50.26 feet, S74°30'22"E 170.32 feet,

to the intersection of said common line with the North line of that property described in document number 1990-46384; thence along said North line and said city limits, S88°14'59"E 26.31 feet to a point; thence leaving said city limits, N35°26'15"E 402.81 feet along a line offset 25.00 feet Southeasterly of the Southeast line of the parcel described in a document recorded July 31, 1967 in Book 694, Page 326 to a point, said point being on the Southerly right-of-way line of Monner Road; thence leaving said offset line, N67°28'47"W 25.65 feet along said Southerly right-of-way line of said road to a 5/8" iron rod; thence leaving said Southerly right-of-way line said road, S35°26'15"W 369.95 feet along said Southeast line of said document in Book 694, Page 326 to a 5/8" iron rod; thence continuing along the line of said document in Book 694, Page 326, N77°23'34"W 266.43 feet to a 5/8" iron rod; thence continuing along said line, N29°07'09"W 147.04 feet to a 5/8" iron rod; thence leaving said line, N73°26'21"W 345.85 feet to said Northwest corner.

The above described tract of land contains 0.86 acres, more or less.

3-3-04

# EXHIBIT D MAP

SOUTHEAST 1/4 OF SECTION 36,  
TOWNSHIP 1 SOUTH, RANGE 2 EAST,  
WILLAMETTE MERIDIAN, CLACKAMAS  
COUNTY, OREGON

S02°01'06"W  
10.27'

POINT OF BEGINNING

N73°26'21"W

345.85'

AREA: 0.86 ACRES±

N29°07'09"W 147.04'

REMAINDER OF  
DOCUMENT NO.  
94-00079

1330.79'

N02°01'06"E

DOCUMENT NO. 2003-136119

NORTH-SOUTH CENTERLINE OF SECTION 36

3-1/4" BRASS DISC  
SOUTH QUARTER,  
SECTION 36

SCALE 1" = 100 FEET



PREPARED FOR:

HOLT HOMES

P.O. BOX 87970

VANCOUVER, WA, 98687

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FAX: (360)892-1815

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Montgomery B. Hurley*

OREGON  
JULY 15, 2003  
MONTGOMERY B. HURLEY  
58542LS

RENEWAL DATE: 6/30/05

BOOK 694, PAGE 326  
RECORDED JULY 31, 1967

S35°26'15"W

N35°26'15"E

DOCUMENT NUMBER 1990-46384

S88°14'59"E  
26.31'

N77°23'34"W 266.43'  
CENTERLINE OF EXISTING DRAINAGE  
S74°30'22"E 170.72'

### LINE TABLE

L1	S76°46'27"E	50.26	L5	S22°25'11"E	33.55	L9	S43°23'18"E	36.16
L2	S66°57'32"E	47.54	L6	S22°27'57"E	47.24	L10	S82°03'11"E	28.05
L3	S39°32'28"E	33.03	L7	S74°29'25"E	50.66	L11	S72°01'21"E	46.76
L4	S73°09'06"E	50.41	L8	S73°11'39"E	47.07	L12	S60°41'25"E	32.94
						L13	S37°23'25"E	24.23
						L14	S39°46'49"E	16.13
						L15	S70°59'40"E	17.72
						L16	S83°14'24"E	23.14

JOB NAME: SHADOW RIDGE NO. 2

JOB NUMBER: 1142

DRAWING NUMBER: 021004EXHIBIT-D

DRAWN BY: HAM

CHECKED BY: MBH

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